

Recommendations to the PAB for 6 February 2002

Introduction

At the PAB meeting on 5th December 2001, a paper was presented on how Nominet might improve standards to registrants in-house, in line with the majority view expressed by members on a Code of Practice (CoP). It was pointed out that a few of the proposed CoP items were requirements of the Tag Holder Agreement (THA) and could be enforced by Nominet. The PAB endorsed more rigorous enforcement of the THA and an action was created to make recommendations on how this might be implemented. In consultation with Eleanor Bradley and Emily Taylor, the following recommendations are submitted.

Relevant Clauses of the THA

Appended to this document is a table setting out relevant clauses of the THA and how compliance could be checked or non-compliance identified. A third column recommends appropriate action to be taken in respect of non-compliance.

Three key concerns addressed in the draft CoP were:

1. Ensuring that registrants are made aware of Nominet T&Cs prior to formation of the registration contract
2. Binding resellers to similar standards
3. Ensuring good quality registrant information

1 and 2 are also requirements of the THA and enforcement of 1 goes some way to assisting 3.

It is also relatively simple to check compliance with these THA requirements which are recommended as primary targets for better enforcement by proactive checking within Nominet. THA clauses imposing credit limits are also identified for more rigorous enforcement. Existing credit control procedures already identify those who are not complying with these requirements.

A second table identifies further THA clauses which assist in imposing good consumer/registrant-friendly practices but for which proactive checking would be inappropriate. Nominet could, however, react to strong evidence of non-compliance identified by staff, registrants or other TH's.

Sanctions for Non-compliance

In some extreme cases, termination of THA may be required. A mechanism for informing registrants and providing notice that a new TH should be found would be required. Suspension of Tag, preventing access to the automaton, may be the preferred option. This would have less immediate effect on existing registrants and may prove to be sufficient action to gain cooperation.

Future Enhancements to the Tag Holder Agreement

Having identified poor TH practices to be addressed in a CoP, it was felt that certain THA clauses might be tightened in future versions to provide more specific wording. A good example being the requirement of a Tag Holder to change a Tag without delay when requested by a registrant.

Nominet Assistance in promoting Compliance with the THA.

CoP consultations revealed that, in many cases TH's are not aware of their legal obligations and have overlooked the requirements of the THA. Better enforcement of the THA could be preceded by friendly notices pointing out the key THA requirements. Members' Web site, Nominet News, Member Workshops and Member handbooks could be used as vehicles for providing guidance on THA compliance. This could include templates on introducing Nominet's T&Cs to the registration process, and a check-list of legal requirements such as data protection, distance selling regulations, etc.

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